

Madam Speaker: I am now prepared to rule on the question of privilege raised previously by the Hon. Leader of the Opposition (Mr. Nielsen).

I listened, of course, to a wide range of arguments in relation to this question of privilege and have since read the arguments presented by a number of Hon. Members. The responsibility of the Minister to safeguard the secrecy of the budget until it is presented in the House was underlined in those presentations. Many references were made by Hon. Members to a Minister's oath of secrecy and the implications of a budget leak in constituting a violation of that oath. The main thrust of the arguments, as I understood them, concerned the propriety of ministerial conduct, the economic effects of the premature release of budget information, and the right of the House to be informed of the contents of the budget before it becomes a matter of public record.

All these matters of course are of a very crucial political importance, and there are very good reasons for preserving budget secrecy. Those reasons have been enumerated by Hon. Members. But budget secrecy is a political convention. So also is the practice whereby the Minister presents his budget in the House before declaring it in any other public forum.

In the present case the Minister of Finance (Mr. Lalonde) is charged with responsibility for a budget leak. There is a procedure, namely a substantive motion, which is provided under our practice, for the purpose of making direct accusations against holders of certain offices, including Ministers. We have ample precedents for this principle and I would refer Hon. Members to the decision of Speaker Michener on June 19, 1959, in relation to the Pallett case. In the course of his ruling he said:

In my view, simple justice requires that no Hon. Member should have to submit to investigation of his conduct by the House or a committee until he has been charged with an offence.

This kind of allegation is not a matter for the decision of the Chair. It is not a matter which should be pursued by way of a question of privilege either. The Hon. Leader of the Opposition (Mr. Nielsen) himself acknowledged that it was not for the Chair to decide whether or not there has been a budget leak or to pass judgment on the Minister.

In neither of the British cases referred to was the matter raised by way of a question of privilege. The J. H. Thomas case, which arose in 1936, involved impropriety. The matter was investigated by a tribunal of inquiry, an extra-parliamentary body, and the Minister subsequently resigned. The Dalton case involved an indiscretion. It was raised by way of a private notice question on November 13, 1947, and the Minister resigned shortly afterwards. The matter was then investigated by a select Committee of the House. I would point out that the House is free to pursue this course in the present case should it choose to do so. The point I would emphasize is that it is not a matter for the Chair and the Chair should not be involved in any decision which the House may take in this respect.

Reference was also made to a case which arose on July 24, 1975, when a Member raised a question of privilege as the result of an article which claimed that he had leaked budget

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information and passed it on to businessmen. In this case, the Speaker found that a prima facie case had been established and the matter was referred to the Standing Committee on Privileges and Elections. This case is not, however, relevant to the present one as the Hon. Member in question was complaining of a libel which reflected upon his integrity and thus hampered him in the fulfilment of his duty as a Member. The case was based on a newspaper report and the Hon. Member was not the subject of a charge by his fellow Members. The complaint was his own.

Finally, I would refer to my ruling of November 18, 1981 which is consistent with the precedents I have quoted. In the course of the ruling I stated:

● (1650)

Certainly the matter of budget secrecy is not dealt with through questions of privilege and there are very important precedents which I will recall to Hon. Members. There were cases in Great Britain, the ones concerning Mr. Thomas and Mr. Dalton where there was an allegation of breach of secrecy . . . Nor were they dealt with under privilege. A committee was set up in one case, and a tribunal was set up in the other. Neither case was brought before the committee which normally deals with matters respecting the privileges of members. In one case there was a special committee which dealt with a particular matter; in another case there was a tribunal. This was necessary because of the special powers which are needed to investigate such cases.

Those two important precedents which I took from records of the United Kingdom convince me—and, I hope, the House—and give me the authority to say that a breach of budget secrecy cannot be dealt with as a matter of privilege. It might constitute a very important grievance for members. Such action might have a very negative impact on business or on the stock market. It might cause some people to receive revenues which they would not otherwise have been able to obtain. All of these are possible consequences of breaches of budget secrecy, but they have no impact on the privileges of a member. They might do harm—irrevocable in some cases—to persons or institutions, but this has nothing to do with privilege. It has to do with the conduct with a minister in the exercise of his administrative responsibility . . . it is in that respect that a formal charge must be made. That charge must allege that a minister has been delinquent in his administrative responsibility, has breached his oath or whatever hon. members might want to allege.

I must therefore find that I am unable to deal with this matter as a question of privilege.

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ATHLETIC CONTESTS AND EVENTS POOLS ACT

MEASURE TO PROVIDE GOVERNMENT OPERATED POOL SYSTEMS

The House resumed consideration of report stage of Bill C-95, to Provide for Government operated pool systems on combinations of athletic contests and events and to amend the Criminal Code and the Income Tax Act, as reported (with amendments) from the Standing Committee on Communications and Culture.

Mr. Jim Hawkes (Calgary West): Madam Speaker, I rise today to speak on the sports lottery Bill. I do so with a sense of confusion as to why we are here on this particular occasion debating this particular piece of legislation. I also do so as a Member of Parliament for the City of Calgary, which will be the site of the XV Olympiad. I also clearly recall the sense of elation which most Calgarians and certainly the Olympic